

#4



Atty. Dkt. No. 089498-0402

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ASSAY FOR GENETIC POLYMORPHISMS USING SCATTERED LIGHT DETECTABLE LABELS

(Attorney Docket No. 089498-0402)

the specification of which (check one)

 is attached hereto.

 X was filed on 06/12/2001 as United States Application Number or PCT International Application Number 09/880,732 and was amended on (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/210,988	06/12/2000

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

WESLEY B. AMES	Reg. No.	40,893
LEI FANG	Reg. No.	44,676
ANDREW EDWARD GRANSTON	Reg. No.	38,473
BERNARD L. KLEINKE	Reg. No.	22,123
STEPHEN E. REITER	Reg. No.	31,192
RICHARD M. SAN PIETRO	Reg. No.	45,071
STACY L. TAYLOR	Reg. No.	34,842
RICHARD J. WARBURG	Reg. No.	32,327
ARTHUR A. WELLMAN JR.	Reg. No.	47,174
MICHAEL A. WHITTAKER	Reg. No.	46,230
BARRY S. WILSON	Reg. No.	39,431

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

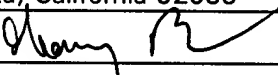
I request that all correspondence be directed to:

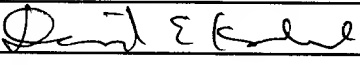
Wesley B. Ames
FOLEY & LARDNER
402 West Broadway
23rd Floor
San Diego, California 92101-3542

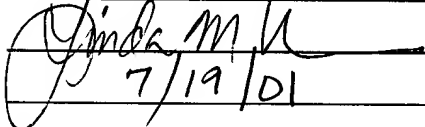
Telephone: (619) 230-6528
Facsimile: (619) 234-3510


I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor Gary Bee
 Residence Vista, California
 Citizenship USA
 Post Office Address 1561 Golfcrest
 Vista, California 92083
 Inventor's signature 
 Date 7-19-01

Name of second inventor David E. Kohne
 Residence La Jolla, California
 Citizenship USA
 Post Office Address 364 Nautilus Street
 La Jolla, California 92037
 Inventor's signature 
 Date 7/19/01

Name of third inventor Linda Korb
 Residence San Diego, California
 Citizenship USA
 Post Office Address 321 W. Lewis Street
 San Diego, California 92103
 Inventor's signature 
 Date 7/19/01

Name of fourth inventor Todd Peterson
 Residence Coronado, California
 Citizenship USA
 Post Office Address 32 Catspaw Cape
 Coronado, California 92118
 Inventor's signature 
 Date 7/15/01

Name of fifth inventor	Juan Yguerabide
Residence	La Jolla, California
Citizenship	USA
Post Office Address	9505 Poole Street La Jolla, California 92037
Inventor's signature	<i>Juan Yguerabide</i>
Date	7-19-01